

**TOWN OF HAMILTON
BOARD OF SELECTMEN
MARCH 30, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, March 30, 2015 with Marc Johnson, David Neill, Jennifer Scuteri, Jeff Hubbard present. Town Manager Michael Lombardo, DPW Director Bill Redford, Finance Director Deborah Nippes-Mena, Town Moderator Bruce Ramsey, Town Counsel Donna Brewer, Recreation Director Sean Timmons, Zoning Board of Appeals Chair Bill Bowler, Finance and Advisory Committee members Rick Sprenkle and Nick Tensen also present.

Call to order

Marc Johnson called the meeting to order at 7:00 p.m. and presented Certificates of Appreciation to David Neill and Jennifer Scuteri for their years serving the Town as Selectmen.

Public Comment

Carin Kale, League of Women Voters president, noted that candidates night is Wednesday, April 1 at Buker Elementary School and there are contested races in Hamilton and uncontested races in Wenham. She also thanked an anonymous donor for donating a banner for the LWV that will be hung at the tennis courts.

Chairman/Selectmen reports

Jennifer Scuteri encouraged residents to take the opportunity to understand what is going on in Town and participate in Town Meeting and upcoming Town election. Johnson spoke as Planning Board liaison and summarized how Planning Board has followed process for site plan review Town Meeting warrant article. Also for the cell tower by-law, the Planning Director did outreach to cell tower vendors, and Planning Board is proposing changes to the by-law that could make it attractive enough to be used by one of these vendors.

Town Manager's report

No report.

CONSENT AGENDA

- Appoint Wilma McDonald as Assistant Town Clerk.
- Request from Bill Redford, DPW Director to increase the **snow removal budget**, as allowed under M.G.L. Chapter 44, Section 31B. (Expected amount \$30,000).
- The American Diabetes Association seeks permission to use Town roads, as part of its course in its Annual North Shore Tour de Cure Bicycle Ride on Sunday, May 17, 2015. 1,200 riders are expected to be in Hamilton between 11 a.m. and 2 p.m.
- Request from Bill Redford, DPW Director to hang Town banner announcing "Town Meeting – April 11" from the posts at the Senior Center from March 31 through April 13 and to display the LWV banner "Democracy is not a Spectator Sport" from the tennis court fence from March 31 through April 17.
- **Approve Minutes:** March 9, 2015 – Regular Session and March 13, 2015 – Regular Session.

Discussion ensued about addressing request to increase the snow removal budget as a separate item and March 13, 2015 – Regular Session minutes are not ready yet. Scuteri moved to approve the Consent Agenda (excluding snow removal request and March 13, 2015 Regular Session minutes). Jeff Hubbard seconded the motion. VOTE: Unanimous.

Request from Bill Redford, DPW Director to increase the snow removal budget, as allowed under M.G.L. Chapter 44, Section 31B. (Expected amount \$30,000)

Discussion ensued about bills coming in for snow and ice removal at the HW Library building and ice dam work done at Town Hall, Senior Center and Public Safety Building, some of these costs may possibly be reimbursable. In addition, MIIA is handling claims from residents who experienced damage to stone walls and fences. Any repairs to roadways will be covered by highway maintenance funds.

Johnson entertained a motion to approve the request to increase the snow removal budget. Scuteri so moved. Neill seconded the motion. VOTE: Unanimous.

AGENDA

- Review and adopt the **Hamilton-Wenham Pool Agreement**

Discussion was on how the 25-year agreement addresses capital costs as well as operating expenses for building and maintenance. The anticipation is that operating

expenses will be paid for by the budget from the pool revolving fund, if there is a shortfall, the two towns will pay this from operating budget. A detailed formula uses a ratio that includes administrative costs tied to real world expenses that is the result of collaborative effort between Hamilton and Wenham Finance teams, Finance Committees, and HW Recreation Director Sean Timmons.

Johnson entertained a motion to approve the joint agreement for the veteran's pool. Scuteri so moved. Neill seconded the motion. VOTE: 3-0-1 with Hubbard abstaining.

- **Warrant Hearing**

Town Moderator Bruce Ramsey summarized details about spring Town Meeting warrant including the 30-plus articles and noted appendices are available on line and in hard copy at municipal buildings. The warrant is sent to Hamilton households but appendices are not as a cost savings measure.

He went through process for all Town Meeting warrant articles (1-1 through 6-1) including when holds could be used for consent motions such as *Article 1-3: Article for Consent Motion* and *Article 2-8: Community Preservation budget* (i.e., debate about Patton Park pool project) and importance of people calling for holds identifying themselves at Town Meeting. Discussion ensued about *Article 2-1: Appropriation Transfer from FY'12 Overlay Reserve to FY'10 Allowance for Abatements & Exemptions* where if the amount requested in the article is going to change it would have to be amended on Town Meeting floor. Ramsey also mentioned how for *Article 2-3: General Town Departmental Appropriations*, the Town budget is not usually voted on by line item but if article is held this would be addressed and voted on individually.

Discussion ensued about *Article 2-9: Stabilization Fund for Patton Proceeds*. The BOS would like to make a modification to this article on Town Meeting floor and according to Town Counsel the motion would not be binding on future Town Meetings. Intent on use of money could be communicated when voted into Stabilization Fund. Johnson read proposed warrant article language for a main motion not an amendment: to see if Town will establish a Stabilization Fund for the special purpose of funding recreational fields and all incidental and related costs, and appropriation from such Fund conditional upon the Town of Wenham, and Hamilton Wenham Regional School District, appropriating their fair shares of the costs of such fields and related costs, and to further transfer money from the current Stabilization Fund to this special purpose Stabilization Fund, or take any other action thereon or relative thereto. This tells future Town Meetings that these agreements have to be in place before spending is done from the Fund.

Discussion addressed that 2/3rds vote is needed to put money in and take money out, it may not be needed to establish such a Fund. This is so future meetings will respect language that was adopted when Fund was created. Also that partners Town of Wenham and HWRSD would be put on notice to sign on board. Town Counsel Donna Brewer clarified that Tom Catalano who is making the motion would read the main motion language Johnson read.

Johnson entertained a motion for the Board of Selectmen to include in the main motion the appropriation proviso that partners are involved. Neill so moved. Discussion ensued about how Hamilton is the first of the three parties to set money aside at Town Meeting in 2015 for recreational fields with the understanding that Wenham, HWRSD and private fundraising would be done for this purpose. Scuteri seconded the motion. Hubbard opined that he did not have a problem with the language but he was fundamentally opposed to BOS tying the hands of future boards and Town Meetings when it is unknown how much the Patton property will require in terms of capital improvements and maintenance depending on the nonprofit that is being proposed. So to earmark the money when what is being proposed for the property it is going to need most, if not all, of the \$1 million benefit. Hubbard opined that the Town needs to know exactly how much it is going to cost to have a museum at the Patton Homestead and there is professional staff that could draft a budget. VOTE: 3-1 with Hubbard opposed.

Ramsey noted in regard to *Article 2-11: Hamilton Development Corporation*, part of the Consent Motion, that HDC President Brian Stein would be presenting a report. Details were also given on *Article 2-14: Water Distribution System Replacement Program* for \$5 million request for Phase II of Town's water distribution replacement of water mains and borrowing will be done with 2/3rds vote required. Discussion ensued about *Article 3-1: Amendment to Senior Housing Zoning By-law*, adding two-family dwellings since this was an oversight in the original by-law which Planning Board is correcting.

Also addressed was *Article 3-3: Site Plan Review to Planning Board* (which is called for in the Town's Master Plan) and if this article passes then no action will be taken on *Article 3-4: Citizens' Petition Site Plan Review to Planning Board*. Other articles discussed included *Article 4-3: Water Runoff to Roadway Prohibited* where residents would go through a permitting process with DPW to address safety issue of roads icing up, *Article 4-5: Certification of Town Clerk*, *Article 4-6: Certification of Treasurer/Collector*, *Article 4-7: Certification of Assessor* to be in compliance, *Article 5-1: Gift of Sidewalk Easement* relative to Zoning Board of Appeals condition for Cumberland Farms to build a sidewalk on its property, and *Article 6-1: Free Cash* application with expected request of \$650,000 as agreed to by FinCom.

Discussion was on projected tax rate after Free Cash application and includes snow and ice deficit with property values staying the same \$18.07, if they go up 1.5% \$17.80 and if they go up 3% \$17.54. FinCom Chair Rick Sprenkle said his Committee's consensus is the anticipated rate/best estimate is 3% or \$17.54. The current tax rate is \$17.09.

Hubbard opined how if the value of his property does not change then the tax rate would go up to \$18.07 just based on spending. Johnson noted that there are other factors involved such as loss of revenue and lag in Assessors valuation. Discussion addressed how Hubbard is going to propose a reduction on Town budget on Town Meeting floor, and he has not proposed any specific cuts.

Discussion ensued on BOS recommendation on *Article 3-3: Site Plan Review to Planning Board*. Johnson explained that Planning Board had worked on this article in response to citizens' petition article on the topic and had developed succinct language and followed public hearing process. In recognition of that he was supportive of the article as a Board member but his personal position was against the article since it could be updated in overall review of zoning by-laws. He noted that Zoning Board of Appeals is opposed to this article.

Neill noted that he had read arguments for moving site plan review to the Planning Board and keeping site plan review with the Zoning Board of Appeals. He had served on the Zoning Board of Appeals and opined that either board could do site plan review. However, Neill did not see any compelling reason to change site plan review authority to another board. He stated that when a consultant is hired to review all zoning by-laws and if a recommendation is made for the site plan review change he would consider at that time.

Scuteri concurred with Neill, noted that many communities have site plan review under Planning Board, that Master Plan suggested the change, and mentioned the warrant article to hire a consultant to review zoning by-laws. Town Counsel Donna Brewer opined that the BOS did not have to make a recommendation on the article. Scuteri opined that it would be useful to have the article debated on Town Meeting floor, and acknowledged that Planning Board has done a lot of work.

Hubbard opined that he fully supported the effort and reasoning in Master Plan, Planning Board is accountable elected officials, and meetings are televised. Also, that this process would be transparent and Zoning Board of Appeals could manage appeals to the Planning Board's site plan review decisions.

Johnson described his past involvement in Master Plan debate and plan's conclusion that it was more common to have site plan review with Planning Board. He reiterated

how the Planning Board had followed a process and is advancing consideration of change of site plan review from ZBA to Planning Board. Johnson repeated his personal stance that moving site plan review was the wrong decision. He stated that he was hopeful that site plan review authority would be balanced as part of comprehensive review of zoning by-laws and supported BOS advancing the article. The Planning Board had voted unanimously so that board has articulated it would take on the extra work and authority if the site plan review was moved to that board.

Hubbard opined that the seven elected Planning Board officials were unanimous in their support, and he opined that this gives the impression that the BOS is refusing, is uninterested or unwilling to listen to what other boards are telling it. Scuteri expressed concern about the Planning Board having had a lot of disagreement on its board and the Town does not want the atmosphere where someone coming before that board cannot get something done and move it through the board. She noted that Planning Board members have concurred with this sentiment, but if there is enough passion for the initiative she could be supportive. Neill said site plan review is a reasonable regulation mainly for the abutters and if someone comes before the reviewing board a compromising conclusion should be reached. He explained that the every time the ZBA denied an application the applicant always won which cost the Town a lot of money; it is a negotiation and ZBA has done a very good job. Johnson concurred with Neill about the work done by ZBA.

Johnson entertained a motion that the Board of Selectmen advance this article to the Town Meeting floor for vote with a BOS affirmative recommendation and let Town Meeting debate and take action on the two-thirds vote. Scuteri so moved. Hubbard seconded the motion. VOTE: 3-1 with Neill opposed.

Discussion ensued about *Article 3-5: Amendment to Communication Towers (CT) and Telecommunications Antenna Facilities (TAF)*. This article proposes changing by-law so that side distances be at least 200' from existing structures on lot and tower can be up to 110' unless there are detailed technical drawings showing the necessity of height (i.e., co-location, reduce tower density).

Johnson entertained a motion for the Board of Selectmen to make a favorable recommendation to approve this cell tower article. Neill moved to approve favorable recommendation for Town Meeting to approve cell tower article. Scuteri seconded the motion. Hubbard opined that he did not have enough information although there has been public hearings; and that this is a lightning rod issue that will cause problems, and that the Town needs to find out from vendors where they want the towers and how tall they would be. Johnson explained that Patrick Reffett, Director of Planning and

Inspections, had reached out to a number of cell tower firms and discussed what zoning by-laws were needed. He added that the Planning Board had unanimously supported this article due to safety and communications need important to community. Special Permit hearings will be held for these towers and could include request for higher towers. Hubbard said his responsibility is to the general public which he opined they did not know about this and reiterated his belief that the proposed location of the towers should be known first. Discussion addressed how the cell tower vendors determine where to site the towers. Hubbard opined that there are only a few locations where cellular telephone carriers would be interested in siting cell towers in Town, so Hamilton should be given a map of those areas and height restriction is not needed in other areas, he stated that along with Planning Board the Town should pinpoint where cell towers would be most effective so as to go to Town will full package. Neill opined that the article is going in the right direction. Scuteri stated that this has become a safety issue. VOTE: 3-0-1 with Hubbard abstaining.

Discussion addressed how if the spring Town Meeting cannot be finished on Saturday, April 11, it will be continued until Monday night April 13. ZBA Chair Bill Bowler noted that the Zoning Board was unanimous about keeping site plan review with its board since it has dealt with site plan review for many years and is familiar with process and has expertise. Ramsey closed the warrant hearing.

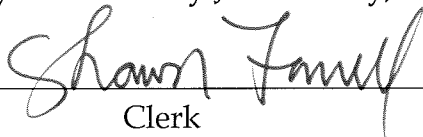
- **Set date of next Selectmen meeting**

The next Selectmen's meeting will be held on Saturday morning, April 11 at 8:00 a.m. to address any outstanding warrant articles that require a Board recommendation.

Johnson entertained a motion for the Board to adjourn at 8:49 p.m. Scuteri so moved. Neill seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk

